

June 29 2010

IN THE SUPREME COURT OF THE STATE OF MONTANA

PR 09-0384

JUN 29 2010

IN THE MATTER OF STEVEN S. CAREY,

An Attorney at Law,

Respondent.

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

ORDER
OF
DISCIPLINE

On May 19, 2010, the Commission on Practice (Commission) submitted to this Court its Findings of Fact, Conclusions of Law, and Recommendations in this matter. Pursuant to Rule 16 of the Montana Rules for Lawyer Disciplinary Enforcement (MRLDE), Respondent Steven S. Carey had thirty days thereafter in which to file any objections to the Findings, Conclusions, and Recommendations. No objections have been filed.

The Commission found and concluded that clear and convincing evidence did not prove that Carey had violated the Montana Rules of Professional Conduct (MRPC) under the first three of the four disciplinary counts charged against him, or as to three of the six clients regarding whom allegations were filed under Count 4. The Commission concluded clear and convincing evidence established, however, that Carey had provided improper monetary advances to three of his clients as alleged under Count 4, in violation of Rule 1.8(e), MRPC. As a result of those violations, the Commission recommends that Carey be privately admonished and placed on probation for one year, with the condition that he must address a seminar approved for continuing legal education credit, for no less than one hour, on the topic of Rule 1.8, MRPC. The Commission also recommends that Carey be assessed with the costs of these proceedings.

The Court approves and adopts the Findings, Conclusions, and Recommendations of the Commission.

Based upon the foregoing,

IT IS HEREBY ORDERED:

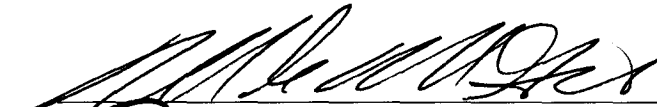
1. Steven C. Carey shall be privately admonished for his violation of Rule 1.8(e), MRPC, at a time and place to be determined by the Commission.

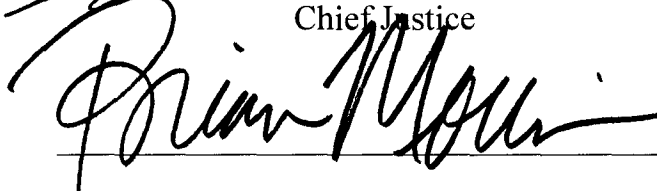
2. Carey shall be subject to probation for a term of one year commencing on the date of this Order of Discipline, during which time he shall address a seminar approved for continuing legal education credit for no less than one hour on the topic of Rule 1.8, MRPC.

3. In addition to the foregoing, Carey shall pay the costs of these proceedings in accordance with the statement to be provided by the Office of Disciplinary Counsel. Pursuant to Rule 9(A)(8), MRLDE, Carey shall have 10 days from the date of service of the statement of costs within which to file with the Commission on Practice any objections to the costs assessed against him. Should he so desire, Carey may request a hearing before an adjudicatory panel on whether the amount of such costs is reasonable and necessary. The adjudicatory panel shall thereafter recommend an amount of costs to be imposed and shall file its recommendation, along with any objections thereto, with this Court, which shall then issue an appropriate order assessing costs.

5. IT IS FURTHER ORDERED that the Clerk of this Court shall serve a copy of this Order of Discipline upon the Respondent at his last known address, and shall provide copies to all counsel of record and to Shauna Ryan, Office Administrator for the Commission on Practice, and the Executive Director of the State Bar of Montana.

DATED this 29th day of June 2010.



Chief Justice


Patricia Cotter

W. William Saphier

Jim Rice

Justices

Justice James C. Nelson specially concurs.

I agree that Carey should be admonished by the Commission. I would order his admonishment be open to the public in accordance with Article II, Section 9 of Montana's Constitution.

James C. Nelson

Justice